

Staff Report
Consideration of a Cease and Desist Order for the
Bonzi Sanitation Landfill

Ma-Ru Holding Company, Inc. and Bonzi Sanitation Landfill, Inc. Partnership (hereafter jointly referred to as “Discharger”) own and operate the Bonzi Sanitation Landfill, in Modesto California. The facility is on a 128-acre parcel which is three miles southwest of Modesto near the Tuolumne River. Currently, Waste Discharge Requirements (WDRs) Order No 98-093 prescribe requirements for current landfilling, post closure maintenance of the closed units, monitoring and corrective action. The facility is also regulated under Cleanup and Abatement Order No. 89-185.

The facility includes four waste management units (WMUs). All of these units were constructed at different phases of the landfill lifecycle, but none contain a bottom liner or a leachate collection and recovery system:

- **WMU I** is a 35 acre closed class III landfill. It has a Title 27 California Code of Regulations, cap with a two-foot thick foundation layer, a 30-mil PVC flexible membrane and an 18-inch vegetative layer. Approximately two million cubic yards of municipal refuse, agricultural wastes, industrial wastes and construction debris was landfilled from 1967 to 1978.
- **WMU II and III**, as of January 1999, no longer accepted waste. An interim cover currently covers both of these units. No final closure plan has been approved for these units.
- **WMU IV** is an inert waste landfill covering 20 acres in the northeastern portion of the facility and occupies a borrow pit that was created during construction of the other units. The WDRs allow only inert wastes, as defined in Section 20230 of Title 27, to be discharged to this unit.

Description of Violations and Proposed Order

At this time, the Discharger’s current operational practices, lack of maintenance of the closed unit, and negligence in the operation of the groundwater remedial system continue to cause impacts to water quality. The following summarizes the known violations of the WDRs, Title 27, and Section 258 of the Code of Federal Regulations Title 40 Subtitle D, as well as describing the requirements of the proposed Cease and Desist Order.

Groundwater Corrective Action Program - On 1 October 1984, the Discharger submitted a report titled *Groundwater Study, Bonzi Landfill*. This report disclosed that in the winters of 1981-1982 and 1982-1983 the groundwater rose and percolated through the landfilled refuse, and that volatile organic compounds (VOCs), elevated levels of metals and total dissolved solids have been detected in the downgradient monitoring wells. Following the confirmed release, Cease and Desist Order No 84-153 directed the discharger to evaluate the extent of the contaminant plume. As a result of the Order, and the subsequent data evaluation, the Board adopted Cleanup and Abatement Order (C&A) Number 89-185 to implement the necessary groundwater remediation. Since the adoption of C&A Order No. 89-185, the Discharger has installed the required remediation system, yet the monitoring data has consistently shown that the system is not functioning as planned. At this time VOCs continue to be reported by the Discharger downgradient from the WMU I point of compliance, and in off-site wells. The continued pollution of

groundwater may be attributed to the non-operation of the groundwater remediation system. The discharger informed Board staff during an April 2005 inspection that the system has not been operational for over a year.

This proposed Order requires the Discharger to redefine the extent of the VOC plume, recess the remedial system design, if necessary redesign the system, and operate and maintain the approved Title 27 corrective action remedy of extracting and treating the groundwater.

Groundwater Monitoring Program - At this time, the groundwater monitoring program is not in compliance with the WDRs, Section 20415(e)(4) of CCR Title 27, or Section 258 of the Code of Federal Regulations Title 40 Subtitle D. The Discharger has been unable to certify that the monitoring data Quality Assurance/Quality Control (QA/QC) meets the standards of CCR Title 27. Also, the Federal EPA mandated 5-year Appendix II Constituents of Concern laboratory analysis were not conducted at the required minimum detection limits. Staff are also concerned that the monitoring wells are not adequately maintained (ie, covered, locked, etc.) and that the analytical data to date may not be truly representative.

This proposed Order requires the Discharger to resample all the monitoring wells and analyze the constituents at appropriate detection limits, ensure that appropriate QA/QC procedures are followed, and ensure that all monitoring wells are maintained to all regulatory standards.

Post Closure Maintenance of Waste Management Unit I – Closure of Waste Management Unit I was completed in January 1999. The WDRs require that the Discharger maintain the integrity of the cap. On 16 October 2003, the Discharge was sent a Notice of Violation for the lack of post closure maintenance for WMU I. This lack of maintenance created a situation in which the cover system no longer complies with the performance standard of CCR Title 27. Some of the violations include: the runoff/run-on ditches are choked with vegetation; the hummocky topography of the WMU I cover has created numerous shallow pools of water, and the surveyed monuments cannot be found. As of 1 April 2005, the Discharger has taken no action to remedy these violations.

This proposed Order requires that the Discharger make the necessary improvements, and a Licensed Professional Engineer certifies that the existing cover and drainage systems on WMU I meets the performance standards of CCR Title 27.

Closure of Waste Management Units II and III - WMU II and III have had no documented discharge for the last five years.. The Discharger informed staff that the last waste discharged to these units occurred in January 1999. The Discharger originally proposed to close WMUs II, III and IV as one unit; however, this does not comply with Section 21090(b)(1)(D) of CCR Title 27 which requires closure procedures to start within thirty days of receipt of the final shipment of waste to a discrete unit. The Discharger has not initiated any closure activities and no closure plan has been submitted to the Regional Board. This proposed Order requires the Discharger to immediately begin the closure process for these units.

Closure of Waste Management Unit IV - The WDRs allow the Discharger to place specific inert waste material into WMU IV to raise the foundation of the unit five-feet above the expected high groundwater elevation. When the waste level reaches this elevation, the Discharger is allowed to convert this unit into a Class III landfill. Discharge Specification No. 6 of WDRs Order No. 98-093 specifically identifies the allowable inert wastes for WMU IV. On 3 March 2005 and 1 April 2005, staff observed large amounts of paper, cardboard, significant amounts of plastic bags, furniture-cushions, carpet material discharged into WMU IV. The discharge of these non-permitted wastes is a violation of the WDRs. Furthermore, the WDRs state that: "... *WMU IV has about 426,000 cubic-yard capacity and is anticipated to be filled by February 2006.*" CCR Title 27 requires that final closure and post closure maintenance plans for solid waste landfills shall be submitted two years prior to the anticipated date of closure. Waste Management Unit IV is within one year of the anticipated closure date; however, the Discharger has not submitted either a closure plan or a post closure maintenance plan.

The proposed Order prohibits acceptance of any more waste in the active unit until the Discharger has completed an investigation regarding the volume of illegal waste and its potential impact on water quality, has described the changes it will make to ensure that only permitted inert waste is accepted in the future, and has begun the closure process for this unit.

Discharger's Response

The tentative Cease and Desist Order was not transmitted to the Discharger until 8 April 2005. Consequently, the Discharger has not had an opportunity to submit comments prior to finalization of the agenda package. Staff will present any comments during the Board hearing on 29 April 2005.

Summary

The violations at this landfill appear to be both deliberate and long-term. The Discharger is in violation of numerous provisions of its WDRs and Cleanup and Abatement Order, and despite receipt of Notices of Violation, has failed to make the necessary improvements. Among the most troubling violations are the acceptance of wastes specifically prohibited by the WDRs, and placement of those wastes in a unit which is periodically inundated by high groundwater. In addition, the Discharger has failed to operate its groundwater extraction and treatment system, thereby allowing the plume of contaminated groundwater to spread further off-site. Staff believe that the proposed Cease and Desist Order is appropriate and necessary to address the numerous violations.